

29 June 1833.

(Ireland.)

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To empower Grand Juries in Ireland to raise Money by Presentment, for the construction, enlargement or repair of Piers and Quays.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WH ~~HEREAS~~ it would tend to encourage the Fisheries of Ireland, as well as to facilitate the Export of Agricultural Produce, and the introduction of various Commodities into the Interior, if a sufficient number of Piers and Quays were built upon the Sea Coast, and upon the Banks of navigable Lakes and Rivers in Ireland, ~~BE it therefore Enacted~~, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same; THAT whenever the Grand Jury of any County, County of a City, or County of a Town, shall be of opinion that it is desirable that a Pier or Quay should be constructed in any particular locality, or that any existing Pier or Quay should be enlarged or repaired, it shall be lawful for such Grand Jury to make an order to the Surveyor of such County, City or Town appointed under the provisions of an Act passed in the third and fourth years of the reign of His present MAJESTY, intituled, "An Act to amend the Laws relating to Grand Juries in Ireland," to prepare a Report, Plan and Estimate of the Expense of constructing, enlarging or repairing such Pier or Quay; and such order shall specify upon what Barony, Half-Barony or Baronies it is proposed that the Expense of constructing, enlarging or repairing such Pier or Quay shall be charged.

And be it Enacted, That as soon as the Surveyor aforesaid shall have completed his Report, Plan and Estimate, he shall transmit the same to the Secretary of the Grand Jury; and in case the estimated

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Expense

Provision.

1.
Grand Jury may order Surveyor to prepare a Report, Plan and Estimate for any Pier or Quay.

2 & 4 W. IV. c. 78.

Order shall specify upon what Barony it is proposed to charge the Presentment.

2.
If Estimate does not exceed £100, Secretary to the Grand Jury shall lay

Report, Plan,
and Estimate
before Special
Sessions of the
Baronies to be
charged with
Expenses.

Special Ses-
sions may
approve or
reject.

3.
If the several
Baronies ap-
prove, Grand
Jury may pre-
sent the esti-
mated
Expense of
such Pier or
Quay.

4.
Grand Jury
to appoint a
Committee to
superintend
execution of
the Work.
Committee
may employ
Surveyor or
Contractor
to execute.

5.
Committee,
upon being
satisfied that
due progress
has been made
by Contractor,
may order
payment of
Three-fourths
of Amount
presented.

Expense shall not exceed the sum of *Three hundred Pounds*, the Secretary of the Grand Jury shall submit such Report, Plan and Estimate to the first Meeting next ensuing of the Special Sessions of the Barony, Half-Barony or Baronies upon which it is proposed to charge the expense of the Work, in the manner prescribed with regard to other applications by the aforesaid Act; and it shall be lawful for the said several Special Sessions to approve or reject the proposal to construct, enlarge or repair such Pier or Quay; but it shall not be necessary to submit the said Report, Plan and Estimate to any adjourned Meeting of the Special Sessions to be holden in the manner provided by the aforesaid Act.

And be it Enacted, That if all the several Special Sessions of the Baronies upon which it is proposed to charge the expenses of the work, shall concur in approving the proposal, but not otherwise, it shall be lawful for the Grand Jury to make Presentment of the Sum named in the Estimate, and so approved by the Special Sessions, and to direct that such Sum shall be levied upon the Barony, Half-Barony or Baronies specified in the original order, and upon no other.

And be it Enacted, That the Grand Jury shall name a Committee, consisting of not more than *Seven*, nor less than *Three* Persons to superintend the execution of the work; and it shall be lawful for such Committee, as it shall see fit, either to agree with a contractor, who shall give security for the due performance of the work, or to entrust its execution to the Surveyor appointed as aforesaid, in which latter case all payments shall be made by the Surveyor upon his own responsibility; and he shall keep an accurate account of the expenditure, which account shall be submitted to the Committee at least once every month; and before the Grand Jury shall discharge the Presentment from the County Book, a full account of the whole expenditure shall be submitted to the Grand Jury, signed by the Surveyor, and by at least *Three* Members of the Committee of Superintendence.

And be it Enacted, That when the work is undertaken by a contractor, the Committee, after receiving a Report from the Surveyor aforesaid, that a proportionate progress has been made in the Work, may order payment to the contractor of any sum or sums, not exceeding in the whole *Three-fourths* of the entire amount presented, but the remaining *One-fourth* shall not be paid until a final Report has been made to the Grand Jury by the Surveyor, that the work has been fully executed according to the terms of the contract, nor unless such Report shall be signed by at least *Three* Members of the Committee aforesaid.

And

And be it Enacted, That the Committee shall have power from time to time to draw upon the Treasurer for the County, City or Town, as the case may be, for such Sums as may be required to carry the above provisions into effect, and that all Drafts shall be made in favour of the Surveyor or of the Contractor, and shall be signed by at least Three Members of the Committee, and countersigned by the Secretary of the Grand Jury, who shall keep an entry of all such Drafts.

6.
Committee may draw upon Treasurer from time to time

And be it Enacted, That whenever the estimated Expense of constructing, enlarging or repairing any Pier or Quay shall exceed the sum of *Three hundred Pounds*, the Secretary of the Grand Jury, immediately upon the receipt of the Report, Plan and Estimate, as aforesaid, shall transmit the same to the Commissioners of Public Works; and in case the said Commissioners shall not signify their approval of the Undertaking, it shall not be lawful to take any further proceeding upon such Report, Plan and Estimate; but in case the said Commissioners shall communicate, in writing, to the Secretary of the Grand Jury their approval of the Work, or any modification thereof, the Secretary of the Grand Jury shall then in such case lay the said Report, Plan and Estimate, so approved or modified, before the several Special Sessions as aforesaid; and all future proceedings shall be carried on in like manner, and subject to the same regulations as is hereinbefore provided in the case when the Estimate shall not exceed *Three hundred Pounds*.

7.
When the estimated Expense exceeds £100 consent and approval of Board of Works shall be necessary before any further proceeding takes place.

And be it Enacted, That in case it is proposed to construct, enlarge or repair any Pier or Quay, within the limits of any County of a City or County of a Town, the proposal shall be submitted in like manner to the Special Sessions for such County of a City or County of a Town, and in all respects the same proceedings shall take place as is hereinbefore provided in the case of a County, except only that the expense of the work shall be charged upon the whole of such County of a City or County of a Town, and not upon any District thereof.

8.
Same proceedings in the case of a County of City, &c. as in County, except that Proportions must be levied off the whole of such County of City, &c.

AND whereas by an Act passed in the first and second year of the reign of His present Majesty, intitled, "An Act for the Extension and Promotion of Public Works in Ireland," it is enacted, that it shall be lawful, in certain cases, for the Commissioners of Public Works in Ireland to make grants in aid of the construction of Piers or Quays, but only when such Pier or Quay is situated on the Sea Coast; BE it Enacted, That after the passing of this Act it shall be lawful for the said Commissioners in all cases, whether the Pier or Quay is situated on the Sea Coast, or upon the Bank of a navigable Lake or River, to grant one *Moiety* of the Expense of constructing, enlarging or repairing any Pier or Quay, provided the Grand Jury of any County, County

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Board of Works may grant one Moiety of Expense when Grand Jury consents the remaining Moiety

of a City, or County of a Town, shall make a Presentment for the remaining Moiety.

10.
Application
by Grand Jury
for Grant to be
in form pro-
vided in Sched-
ule (B.)

And be it Enacted, That in any case in which it is intended to apply for such a Grant, the original recommendation shall be in the form provided in Schedule (B.) to this Act annexed, and such recom-
mendation shall be forthwith transmitted by the Secretary of the Grand Jury to the Commissioners of Public Works, who shall, if they so think fit, direct their own Engineer to prepare a Report, Plan and Estimate of the Expense of constructing, enlarging or repairing such Pier or Quay so recommended; and if the said Commissioners shall not consent to grant such Moiety, no further proceeding shall take place upon such recommendation; but in case the said Commissioners shall signify their intention in writing to the Secretary of the Grand Jury to grant such Moiety, the Plan, Report and Estimate, as prepared by their Engineer, or as approved by the said Commissioners, shall be laid before the Special Sessions of the several Baronies upon which it is proposed that the remaining Moiety of the expense shall be charged; and if the said several Special Sessions shall approve of the Undertaking, but not otherwise, it shall be lawful for the Grand Jury to make a Presentment of such remaining Moiety, and to direct the Treasurer for the County, County of the City, or County of the Town, as the case may be, to levy the amount so presented from off the County of the City, County of the Town, Half-Barony, Barony, or Baronies, specified in the original recommendation, and to pay the amount so levied to the Order of the said Commissioners of Public Works.

Session may
return order
for Pre-
sentment of
remaining
Moiety.

11.
When Board
of Works
grants one
Moiety, it
shall be re-
sponsible for
the execution
of the Work.

And be it Enacted, That whenever the said Commissioners shall make a grant of one Moiety of the expense required to construct, enlarge or repair any Pier or Quay, the said Commissioners shall become solely responsible for the execution of such work through such Engineer as they shall appoint, and within a period of Five Years from the time at which the Treasurer as aforesaid shall have paid over to the order of the said Commissioners the Moiety for which Presentment has been made, the said Commissioners shall cause to be laid before the Grand Jury by which such Presentment has been made a full statement and account of the whole of the Expenditure upon such Pier or Quay, and the Presentment shall not be discharged from the County Book until such account has been so submitted to the Grand Jury.

12.
Grand Jury
may appoint
a Committee
to communi-
cate with
Board of
Works.

And be it Enacted, That it shall be lawful for the Grand Jury to appoint a Committee for the purpose of communicating with the said Commissioners upon all matters and things relating to the construction of any such Pier or Quay.

And

And be it Enacted, That whenever a Pier or Quay is to be constructed, enlarged or repaired under this Act, the Constructor or Surveyor as aforesaid entrusted with the execution of the work, shall have the like powers to enter for and carry away materials for the sole use of such work as are now by any Act given to Constructors for the making or repair of any Roads for which Grand Juries in Ireland are empowered to make Presentment.

13.
Power to get
Materials.

And be it Enacted, That any Pier or Quay which shall have been constructed, enlarged or repaired under the authority of this Act, shall be considered as Public Property, and neither the proprietor of the soil, nor any other Person, shall have power to charge any Tolls or Rates upon any Vessels or Boats loading or unloading at such Pier, or to make any charge whatsoever for the use of such Pier.

14.
Pier or Quay
under this Act
to be Public
Property.

And be it Enacted, That it shall be lawful for any Grand Jury as aforesaid to present any Sum not exceeding for each Pier or Quay the Sum of Ten Pounds in any one year, to be laid out by the Surveyor as aforesaid in the repair of any Pier or Quay, when it shall appear to such Grand Jury that the same is required; and the Surveyor shall strictly account for any money so presented and expended by him; but it shall not be necessary in such case that any proposal should be submitted to the Special Sessions of the Half-Barony, Barony or Baronies, upon which the Grand Jury shall think proper to charge the Presentment.

15.
When account
required for
repair of Pier
or Quay does
not exceed
10*l*. Grand
Jury may
present with-
out reference
to Special
Sessions.

AND whereas by the aforesaid Act, passed in the third and fourth year of the reign of His present Majesty, intituled, "An Act to amend the Laws relating to Grand Juries in Ireland," no power is given to any Grand Jury to present any Sum for the Expenses actually incurred by the Surveyors appointed under the said Act in the execution of their duties; BE it Enacted, That it shall hereafter be lawful for the Grand Jury of any County, County of a City, or County of a Town, in addition to the Salary of the Surveyor appointed under the aforesaid Act, to present any Sum not exceeding, at any one Assize, the Sum of Fifty Pounds, by way of indemnity for expenses incurred by the Surveyor, if such Grand Jury shall be of opinion that the expenses actually incurred by such Surveyor since the preceding Assizes have actually exceeded that amount: Provided however, That the whole time of such Surveyor, if required, shall be considered to be at the disposal of the County, County of the City, or County of the Town for which he has been appointed.

16.
Grand Jury
may present
in certain
cases 50*l*. at
each Assize
for Expenses
of Surveyor.

And be it Enacted, That if any Person shall leave any commodity upon any Pier or Quay for the space of more than Forty-eight Hours, or shall deposit upon any Pier or Quay any nuisance, such Person so offending shall be liable to a penalty not exceeding Forty Shillings, which

17.
Person leav-
ing commodi-
ties, &c. on
Pier or Quay
for more than
Forty-eight
Hours, liable
to fine.

which may be recovered on the complaint of any Person before Two Justices of the Peace, assembled at the Petty Sessions for the District.

18.
Application of
Penalty.

And be it Enacted, That *Half* the aforesaid Penalty shall be paid to the complainant, and the remaining *Half* to the Treasurer of the Hospital of the District, for the use of the Hospital; and in default of payment of the said Penalty by the Person so convicted, it shall be lawful for the said Justices to commit such offender to the Gaol belonging to the County, City or Town in which the offence is committed for a period not exceeding *Fourteen Days*. 5

SCHEDULES to which this Act refers.

SCHEDULE (A.)

BY the Grand Jury of the County of [or, County of the City, or County of the Town, as the case may be] assembled at [Spring or Summer Assizes, as the case may be] in the year of our Lord it is ordered, That our Surveyor shall prepare a Report, Plan and Estimate for constructing [or, enlarging or repairing, as the case may be] a Pier at the Expense of which shall be defrayed by the Half-Barony of [or, Barony or Baronies of], as the case may be, or by the County of the City of [or County of the Town of] as the case may be]

(signed) For self and Fellows,
A. F., Foreman.

SCHEDULE (B.)

THE Grand Jury of the County of [or, County of the City of [or County of the Town of] assembled at [Spring or Summer Assizes, as the case may be], in the year of our Lord recommend the construction of a Pier at [or, enlargement or repair of the Pier at] as the case may be] One Moiety of the Expense of which shall be defrayed by the Half-Barony of [Barony of] or Baronies of [or County of the Town of], as the case may be, or by the County of the City of [or County of the Town of], provided that the Commissioners of Public Works shall grant the remaining Moiety, but not otherwise.

(signed) For self and Fellows,
G. L., Foreman.

Ireland.)

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B I L L

To empower Grand Juries in Ireland to raise
Money by Presentation, for the construction,
enlargement or repair of Piers and Quays.

(Proposed and brought in by
Mr. W. S. O'Brien, Mr. Piggot,
and Mr. Lynch.)

Ordered, by The House of Commons, to be Printed
29 June 1835.
